



Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 1714

PATENTS  
Attorney Docket No. GAL/1 CIP

**NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS**

In re application of : Evan Galen et al.  
Application No. : 09/872,314 Confirmation No. : 4906  
Filed : June 1, 2001  
For : OIL AND WATER REPELLENT COMPOSITIONS  
AND METHODS OF APPLICATION THEREOF  
Group Art Unit : 1714  
Examiner : Peter A. Szekely

New York, New York 10020  
July 19, 2004

Mail Stop AF  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed February 18, 2004 in which the rejection of claims 1-41 was made final.

[ ] Applicants respectfully request an oral hearing before the Board of Appeals. The appropriate fee is submitted herewith.

[X] Address all correspondence to:

James F. Haley, Jr.  
FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000  
Fax: (212) 596-9090

EV371753316US

07/22/2004 WABDELRI 00000070 09872314 165.00 0P  
02 FC:2401

☒ A check in the amount of ☒ \$165.00 ☐ \$330.00 in payment of the ☒ appeal fee, ☐ appeal and oral hearing fees, is enclosed.

☒ The Director is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

☐ Please charge ☐ \$165.00 ☐ \$330.00 to Deposit Account No. 06-1075 in payment of the ☐ appeal fee, ☐ appeal and oral hearing fees. A duplicate copy of this Notice of Appeal form is enclosed.

#### EXTENSION FEE

☐ The appropriate fee for a -month extension of time to respond to the final office action was timely paid.

☒ Please grant a two-month extension of time under 37 C.F.R. § 1.136(a) to respond to the February 18, 2004 Final Office Action. With this extension, a Response is due on or before July 19, 2004<sup>1</sup>.

☒ The following extension fee is applicable to the Notice of Appeal filed herewith;  
☐ \$55.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a);  
☒ \$210.00 extension fee for response within the second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$475.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$740.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,005.00 extension fee for fifth month pursuant to 37 C.F.R. § 1.136(a).

☒ A check in the amount of ☐ \$55.00; ☒ \$210.00; ☐ \$475.00; ☐ \$740.00; ☐ \$1,005.00; in payment of the extension fee is transmitted herewith.

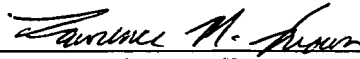
☐ Please charge the ☐ \$55.00; ☐ \$210.00; ☐ \$475.00; ☐ \$740.00; ☐ \$1,005.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

---

<sup>1</sup> Pursuant to 37 C.F.R. § 1.7, since July 18, 2004 falls on a Sunday, action may be taken on July 19, 2004, which is the succeeding business day.

[X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

  
\_\_\_\_\_  
James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicants

Lawrence M. Brown (Reg. No. 52,660)  
Agent for Applicants  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000  
Fax: (212) 596-9090